

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Miriam B. Allen

Debtors.

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CASE NO: 03-11620

**NOTICE OF AMENDED MOTION
APPLICATION AND OPPORTUNITY FOR HEARING**

TAKE NOTICE that the Debtors above-captioned by and through her undersigned attorney have filed a motion to sell property free and clear of liens.

A copy of the motion and proposed order (Motion/Application) accompanies this notice.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than 30 days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case the Court will conduct a hearing on October 20, 2004, at 9:00 a.m., at 1100 Laurel Street, Columbia, South Carolina. No further notice of this hearing will be given.

Dated this 10th day of October, 2004.

/s/ Paul W. Owen, Jr.
Paul W. Owen, Jr.
Fed. I. D. No.: 5753
P. O. Box 1418
Columbia, SC 29202
(803)799-5006

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

Miriam B. Allen)
)
)
 Debtor.)
_____)

CASE NO: 03-11620

TO: All Creditors and Parties in Interest

AMENDED NOTICE AND APPLICATION FOR SALE OF PROPERTY FREE AND CLEAR OF LIENS

YOU ARE HEREBY NOTIFIED that the debtor is applying for approval to sell the property of the debtor's estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on October, 20 2004 at 9:00 a.m., at 1100 Laurel Street, Columbia, South Carolina 29201. No further notice of this hearing will be given.

TYPE OF SALE: Private

PROPERTY TO BE SOLD: 2301 Lady Street
T.M.S. No.: 229-02-08-007-SBD

PRICE: Full repayment of the mortgage indebtedness thereon plus seller related closing costs
approximately \$128,500.00

APPRAISAL VALUE: \$36,300.00 - per Richland County Tax Assessor

BUYER: Allen University (see attached contract)

PLACE AND TIME OF SALE: As soon as possible after Court approval

SALES AGENT/AUCTIONEER/BROKER: Gary Realty Company

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: 7% commission \$8,995.00 approx.

ESTIMATED TRUSTEE'S COMPENSATION: It appears that Debtor will be able to pay off her bankruptcy case in full

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY:

Mortgage to Branch Banking & Trust to be paid in full.

Mortgage to Chase Manhattan Mortgage to be paid in full.

DEBTORS' EXEMPTION: \$5,000.00 for debtor and any proceeds remaining after bankruptcy is paid in full. Property is jointly owned with debtor's sister who is not a debtor

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: Debtor will clear more than enough to pay off her bankruptcy case in its entirety. Proceeds from sale to be paid directly to Chapter 13 Trustee

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale

Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application. Debtor has had to relocate to Baltimore, Maryland to reside with her sister due to Parkinson's disease and can no longer maintain the home.

The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee or debtor in possession, as applicable, may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

Date: October 10, 2004

/s/ Paul W. Owen, Jr.

Paul W. Owen, Jr.

P. O. Box 1418

Columbia, SC 29202-1418

(803)-799-5006

District Court I.D. Number 5753

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

)	CASE NO: 03-11620
In re: Miriam B. Allen)	CHAPTER: 13
)	
<u>DEBTORS.</u>)	ORDER APPROVING SALE OF PROPERTY
<hr/>)	FREE AND CLEAR OF LIENS

It appearing that it is in the best interests of the Bankruptcy Estate to sell the property located at 2301 Lady Street, Columbia, SC 29205, the County of Richland, State of South Carolina. T.M.S. No.: R1411-16-16 by way of a private sale to Allen University for approximately \$128,500.00 provided the Chapter 13 Trustee is provided with a copy of the settlement statement and an accounting of all disbursements and that the Debtors receive no proceeds in excess of their exemptions.

IT IS HEREBY ORDERED that the property located at 2301 Lady Street, Columbia, SC 29205, the County of Richland, State of South Carolina. T.M.S. No.: R1411-16-16 by way of a private sale to Allen University provided the debtor's portion of the proceeds of the sale are paid directly to the Chapter 13 Trustee who will then disburse to creditors of the estate and the debtor.

United States Bankruptcy Court

District of South Carolina

In re Miriam B. Allen

Case No. 03-11620

Chapter 13

Debtors

Proof of Service by Mail

I, Betsy Sandifer, declare that I am a resident of or employed in the County of Richland, State of South Carolina. My address is **1728 Main Street, Columbia, SC 29201**. I am over the age of eighteen years of age and am not a party to this case.

On October 10, 2004 I served a copy of Debtor's Notice of Motion/Application for Hearing, Amended Motion to Sell Property Free and Clear of Liens on the Chapter 13 Trustee and debtor listed below, by placing true and correct copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail and addressed as follows:

Joy S. Goodwin
Chapter 13 Trustee
P. O. Box 8477
Columbia, SC 29202-8477

ACADEMY COLLECTION SERVICE, INC.
10965 DECATUR ROAD
PHILADELPHIA PA 19154-3210

ACN COMMUNICATIONS SERVICES, INC.
PO BOX 79001
DETROIT MI 48279-1686

ACN CUSTOMER SERVICE
411 THIRD STREET
GWINN MI 49841

ADT SECURITY SERVICES
PO BOX 371490
PITTSBURGH PA 15250-7490

B, B & T
PO BOX 580002
CHARLOTTE NC 28258-0002

CARD SERVICES
PO BOX 84050
COLUMBUS GA 31908-4050

CHASE MANHATTAN MORTGAGE
3415 VISION DRIVE
COLUMBUS OH 43219
CHASE PLATINUM MASTERCARD
PO BOX 15008
WILMINGTON DE 19850

COLUMBIA EYE CLINIC, PA
PO BOX 2169
LEXINGTON SC 29071-2169

DILLARD NATIONAL BANK
PO BOX 52079
PHOENIX AZ 85072-2079

HECHT'S
PO BOX 94872
CLEVELAND OH 44101-4872

IMAGECARE, LLC
PO BOX 1247
COVINGTON GA 30015-1247

INTERNAL REVENUE SERVICE
1835 ASSEMBLY STREET
COLUMBIA SC 29201

JC PENNEY
PO BOX 272170
TAMPA FL 33688

MBNA AMERICA
P. O. BOX 15137
WILMINGTON DE 19886-5137

PALMETTO CITIZENS FCU
PO BOX 5846
COLUMBIA SC 29250

PALMETTO HEALTH RICHLAND
PO BOX 402111
ATLANTA GA 30384-2111

PROFESSIONAL PATHOLOGY SERVICES, PC
PO BOX 100559
FLORENCE SC 29501-0559

QCARD
DEPT. 7680
CAROL STREAM IL 60116-7680

RETAILERS NATIONAL BANK
PO BOX 59231
MINNEAPOLIS MN 55459-0231

SOUTH CAROLINA DEPT. OF REVENUE
NOA
COLUMBIA SC 29214-0011

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on October 10, 2004

/s/ Betsy Sandifer
Signature

Sworn and subscribed to before me this 10th day of October, 2004.

/s/ Paul W. Owen, Jr..
Notary Public
My Commission expires: 9/24/12